

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 830** HLS 16RS 683

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> April 19, 2016	4:05 PM	<b>Author:</b> SEABAUGH
<b>Dept./Agy.:</b> Education		<b>Analyst:</b> Jodi Mauroner
<b>Subject:</b> Child Care Employees		

CHILDREN/CARE OR INCREASE SD RV See Note Page 1 of 1  
Provides relative to criminal background checks for owners, employees, volunteers, and inspectors of early learning centers

Present law prohibits any person who has been convicted of or has pled nolo contendere to certain crimes including sex crimes and crimes against children from directly or indirectly owning, operating, or participating in the governance of an early learning center, or being hired by an early learning center as a volunteer or employee of any kind, or being hired by the Dept. of Education (DOE) in a position whose duties include the performance of licensing inspections in early learning centers. BESE is required to establish procedures under which the owner or operator of an early learning center may request information concerning whether or not any owner or volunteer, applicant, or employee of any kind, including contractors, of an early learning center has been arrested for or convicted of or pled nolo contendere to any criminal offense. Proposed law changes requirement by authorizing DOE, rather than the owner or operator of an early learning center, to request criminal history information of certain personnel; otherwise retains present law.

<b>EXPENDITURES</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

  

<b>REVENUES</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

There is no anticipated direct material effect on governmental expenditures as a result of this measure.

Federal guidelines included in the 2015 reauthorization of the Child Care and Development Block Grant require FBI criminal background checks on all persons associated with early learning centers. (Previously only statewide background checks were required.) The state must have procedures in place that meet these requirements no later than September 30, 2017; a one year extension may be granted. For any year that a state fails to substantially comply, 5% of the CCDF funds will be withheld. An anticipated 30,000 FBI checks will be required in FY 17 in order to meet these guidelines. In FY 18 through FY 21 the number will be limited to new employees only and should be significantly less. Background checks are required to be renewed every five years. Currently owner/operators request (and pay for) state background checks; however, federal background checks must be requested and released to a state agency. While DOE will request and receive both the statewide and the federal reports from the La. Bureau of Criminal of Identification and Information, costs associated with those reports are expected be included in the total licensing application fees to be paid by the early learning center. There is no anticipated impact to the La Bureau of Criminal Identification and Information as these checks are automated. The Department of Education did not provide information on the potential impact of this bill, however this note assumes there is no impact to the DOE as report requests can be incorporated into the existing licensing process.

**REVENUE EXPLANATION**

There will be an increase in revenues to the Criminal Identification and Information Fund as a result of the La. Bureau of Criminal of Identification and Information (LBCII) providing FBI criminal background checks for employees of early learning centers.

LBCII charges a processing fee of twenty-six dollars for criminal background checks provided to any agency or entity statutorily eligible to receive this information to assist the agency in performing a screening function as part of any regulatory or licensing scheme. There will be no change in collection of these fees. Additionally, the Bureau charges \$14.75 for FBI criminal history checks; \$12.75 of which is remitted to the FBI. LBCII estimates approximately 30,000 FBI checks will be required which would generate \$60,000 in statutory dedications in FY 17 (\$2 x 30,000). Since background checks must be conducted only once every five years, revenues generated from these reports will be significantly less in FY 18 through FY 21 as checks will be conducted for new employees only. That number is indeterminable.

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|---|--|--------------|
| <u>Senate</u>   | <u>Dual Referral Rules</u>   | <u>House</u> |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}       | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}                    |              |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |              |

*Evan Brasseaux*

**Evan Brasseaux**  
**Staff Director**